

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BIRMINGHAM-JEFFERSON COUNTY)
TRANSIT AUTHORITY, et al.)
v.) No. 3:09-0304
DAVID J. BOATRIGHT) JUDGE CAMPBELL

ORDER

Pending before the Court is the Plaintiffs' Motion To Dismiss Portions Of Defendant's Counterclaim For Failure To State A Claim (Docket No. 22). The Defendant has not filed a response to the Motion even though the deadline for filing a response has expired. (Docket No. 19, at p. 4). For the reasons set forth in the accompanying Memorandum, the Motion is GRANTED in part, and DENIED in part. The Motion is granted as to Defendant's counterclaims for fraud, intentional infliction of emotional distress, estoppel, abuse of process, and civil conspiracy. The Motion is denied as to Defendant's counterclaim for quantum meruit.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT COURT